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4.1 General Provisions

The provisions of this Article, the Subdivision Regulations, in conjunction with the *Zoning Code*, shall apply to any and all development of land within the municipal boundaries of the *Town/City*, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the *Zoning Code*. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the *Zoning Code*.

Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

These Regulations in conjunction with the *Zoning Code*, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the *Town/City Comprehensive Plan* and with adopted regulations, policies and other guidelines.

4.2 Intent

- **A.** This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the *Town/City* by:
 - **1.** Encouraging new subdivision developments to relate to <u>Town's/City's</u> historic development pattern.
 - **2.** Promoting compact, well-defined, sustainable neighborhoods that enhance *Town's/City's* character.
 - **3.** Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
 - 4. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
 - **5.** Providing a variety of lot sizes and housing types in every neighborhood.

- **6.** Protecting sensitive natural and historic areas and <u>Town's/City's</u> environmental quality.
- 7. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
- **8.** Providing open spaces for adequate storm water management.
- **9.** Providing adequate spaces for educational facilities.
- **10.** Providing protection from geologic hazards and flood prone areas.
- 11. Ensuring compliance with the *Zoning Code*, the *Town/City Comprehensive Plan* and the Community Design Principles and Development Standards (Article 2 of this Code).
- **12.** Regulating such other matters as the <u>Board of Trustees/City Council</u> may deem necessary in order to protect the best interest of the public.

4.3 Administration

All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the <u>Board of Trustees/City Council</u> for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the <u>Board of Trustees/City Council</u>. Acceptance of proposed dedications by the public shall be given by separate action of the <u>Board of Trustees/City Council</u>.

4.4 Types of Subdivisions

A. Major Subdivisions.

- **1.** <u>Definition.</u> A major subdivision is permitted when any one or more of the following conditions exist:
 - **a.** Dedication of public right-of-way or other public tracts; or
 - **b.** The entire tract to be subdivided is greater than ten (10) acres; or
 - **c.** The resultant subdivision will produce more than ten (10) lots.
- 2. <u>Major Subdivision Process.</u> The major subdivision process is as follows (for more details refer to Sections 4.5 4.7):
 - **a.** Sketch Plan.
 - **i.** Pre-Application Conference.
 - ii. Planning Commission Visioning Meeting.
 - iii. Application Submittal.
 - iv. Staff Certifies Application is Complete.
 - v. Planning Commission Review.
 - vi. Board of Trustees/City Council Action.
 - **b.** Preliminary Plat.
 - **i.** Pre-Application Conference.
 - ii. Application Submittal.
 - **iii.** Staff Certifies Application is Complete.
 - iv. Staff Refers Application to Parties of Interest.
 - v. Letters of Support and Commitment to Serve.
 - vi. Staff Reviews Application and Prepares Comments.
 - vii. Applicant Addresses Staff Comments.
 - viii. Final Staff Review and Report to Planning Commission.
 - ix. <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - **x.** Planning Commission Public Hearing and Recommendation.
 - **xi.** Applicant Addresses to Conditions of Approval.
 - **xii.** Board of Trustees/City Council Action.

- c. Final Plat.
 - i. Application Submittal.
 - **ii.** Staff Certifies Application is Complete.
 - iii. Staff Refers Application to Parties of Interest.
 - iv. Staff Reviews Application and Prepares Comments.
 - v. Applicant Addresses Staff Comments.
 - vi. Final Staff Review and Report to Planning Commission.
 - vii. <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - viii. Planning Commission Public Hearing and Recommendation.
 - ix. Applicant Addresses Planning Commission Conditions.
 - **x.** Staff Notifies Parties of Interest.
 - **xi.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - **xii.** Board of Trustees/City Council Public Hearing and Action.
 - **xiii.** Record Final Plat.
 - **xiv.** Post Approval Actions.
- 3. <u>Concurrent Sketch Plan/Preliminary Plat Process.</u> Major subdivisions may also choose to submit a sketch plan and preliminary plat concurrently (for more details refer to Section 4.8):
 - **a.** *Sketch Plan/Preliminary Plat.*
 - **i.** Pre-Application Conference.
 - **ii.** Site Visit with <u>Town/City</u> Representative.
 - iii. Planning Commission Visioning Meeting.
 - iv. Application Submittal.
 - v. Staff Certifies Application is Complete.
 - vi. Staff Refers Application to Parties of Interest.
 - vii. Letters of Support and Commitment to Serve.
 - viii. Staff Reviews Application and Prepares Comments.
 - ix. Applicant Addresses Staff Comments.
 - **x.** Final Staff Review and Report to Planning Commission.
 - **xi.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - **xii.** Planning Commission Public Hearing and Recommendation.
 - **xiii.** Applicant Responds to Conditions of Approval.
 - **xiv.** Board of Trustees/City Council Action.

- **b.** Final Plat.
 - i. Application Submittal.
 - **ii.** Staff Certifies Application is Complete.
 - iii. Staff Refers Application to Parties of Interest.
 - iv. Staff Reviews Application and Prepares Comments.
 - v. Applicant Addresses Staff Comments.
 - vi. Final Staff Review and Report to Planning Commission.
 - vii. <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - viii. Planning Commission Public Hearing and Recommendation.
 - ix. Applicant Addressses Planning Commission Conditions.
 - **x.** Staff Notifies Parties of Interest.
 - **xi.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - **xii.** Board of Trustees/City Council Public Hearing and Action.
 - xiii. Record Final Plat.
 - **xiv.** Post Approval Actions.

VISIONING MEETING PREAPPLICATION CONFERENCE NOTIFY APPLICANT OF DEFICIENCIES SUBMIT SKETCH PLAN APPLICATION DENIED) CERTIFICATION OF COMPLETENESS (IF PLANNING COMMISSION REVIEW AND RECOMMENDATION BOARD OF TRUSTEES ACTION PREAPPLICATION CONFERENCE NOTIFY APPLICANT OF DEFICIENCIES SUBMIT PRELIMINARY PLAT APPLICATION CERTIFICATION OF COMPLETENESS STAFF REFERS APPLICATION STAFF REVIEW AND COMMENTS APPLICANT SUBMITS LEITERS OF SUPPORT AND COMMITMENT TO SERVE FINAL STAFF REVIEW AND REPORT APPLICANT ADDRESSES REVIEW COMMENTS TOWN SCHEDULES PRUBLIC HEARING AND COMPLETES PUBLIC NOTIFICATION APPLICANT ADDRESSES CONDITIONS OF APPROVAL PLANNING COMMISSION HEARING & RECOMMENDATION BOARD OF TRUSTEES ACTION NOTIFY APPLICANT OF DEFICIENCIES SUBMIT FINAL PLAT APPLICATION CERTICFICATION OF COMPLETENESS STAFF REFERS APPLICATION STAFF REVIEW & COMMENTS APPLICANT ADDRESSES COMMENTS TOWN SCHEDULES PUBLIC HEARING & PLANNING COMMISSION FINAL STAFF REVIEW AND COMPLETES PUBLIC NOTIFICATION HEARING & RECOMMENDATION PLANNING COMMISSION REPORT TOWN SCHEDULES PUBLIC HEARING & STAFF NOTIFIES APPLICANT ADDRESSES PLANNING COMMISSION CONDITIONS COMPLETES PUBLIC NOTIFICATION PARTIES OF INTEREST POST APPROVAL ACTIONS

MAJOR SUBDIVISION PROCESS FLOWCHART

Figure 4-1

RECORD FINAL PLAT

BOARD OF TRUSTESS HEARING AND ACTION

B. Conservation Subdivision.

- 1. <u>Definition.</u> A conservation subdivision is permitted when the property to be subdivided is located on property designated as rural residential/conservation subdivision by the *Land Use Overlay District Map* found in Section 2.6.
- **2.** <u>Process.</u> The conservation subdivision process is as follows (for more details refer to Section 4.9):
 - **a.** *Sketch Plan/Preliminary Plat.*
 - **i.** Pre-Application Conference.
 - **ii.** Site Visit with <u>Town/City</u> Representative.
 - iii. Planning Commission Visioning Meeting.
 - iv. Application Submittal.
 - v. Staff Certifies Application is Complete.
 - vi. Staff Refers Application to Parties of Interest.
 - vii. Letters of Support and Commitment to Serve.
 - viii. Staff Reviews Application and Prepares Comments.
 - ix. Applicant Addresses Staff Comments.
 - **x.** Final Staff Review and Report to Planning Commission.
 - **xi.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - **xii.** Planning Commission Public Hearing and Recommendation.
 - **xiii.** Applicant Responds to Conditions of Approval.
 - **xiv.** Board of Trustees/City Council Action.

b. Final Plat.

- i. Application Submittal.
- **ii.** Staff Certifies Application is Complete.
- iii. Staff Refers Application to Parties of Interest.
- iv. Staff Reviews Application and Prepares Comments.
- v. Applicant Addresses Staff Comments.
- vi. Final Staff Review and Report to Planning Commission.
- vii. <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
- viii. Planning Commission Public Hearing and Recommendation.
- ix. Applicant Addressses Planning Commission Conditions.
- x. Staff Notifies Parties of Interest.

- **xi.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
- **xii.** Board of Trustees/City Council Public Hearing and Action.
- xiii. Record Final Plat.
- **xiv.** Post Approval Actions.

C. Minor Subdivisions.

1. <u>Definition.</u> A minor subdivision is permitted under the following circumstances:

Option 1

- **a.** The property has previously been platted within the <u>Town/City</u>;
- **b.** There is no public right-of-way dedication;
- **c.** The entire tract to be subdivided is ten (10) acres or less in size;
- **d.** The resulting subdivision will produce ten (10) or fewer lots; and
- **e.** There will be no exceptions to the Subdivision Design Standards.

Option 2

- **a.** The property is to be subdivided in order to split the parcel and convey a portion of it as a separate tract; and
- **b.** There is no public right-of-way dedication.
- **2.** <u>Process.</u> The minor subdivision process is as follows (for more details refer to Section 4.10):
 - **a.** Pre-Application Conference.
 - **b.** Application Submittal.
 - **c.** Staff Certifies Application is Complete.
 - **d.** Staff Refers Application to Parties of Interest.
 - **e.** Letters of Support and Commitment to Serve.
 - **f.** Staff Reviews Application and Prepares Comments.
 - **g.** Applicant Responds to Staff Comments.
 - **h.** <u>Town/City</u> Schedules Public Hearing and Completes Public Notification Process.
 - i. Planning Commission Public Hearing and Recommendation.
 - **j.** Applicant Responds to Planning Commission Conditions of Approval.
 - **k.** Board of Trustees/City Council Action.
 - 1. Record Minor Subdivision Plat.

4.5 Sketch Plan

A. Sketch Plan Purpose. The sketch plan process is *collaborative* from the onset. The purpose of the sketch plan is two-fold. First, it provides the *Town/City* the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and *Town Board/City Council* early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision.

B. Sketch Plan Application Process.

- 1. <u>Step 1: Pre-Application Conference.</u> A pre-application conference with a representative from the <u>Town/City</u> is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the <u>Town/City</u> the opportunity to communicate the <u>Town's/City's</u> vision. Topics to be discussed will include:
 - **a.** Applicant's goals for the property.
 - **b.** *Town/City* vision and expectations.
 - **c.** Community Design Principles and Development Standards.
 - **d.** The character and quality of development the *Town/City* is seeking.
 - **e.** <u>Town/City</u> regulations and standards.
 - **f.** The application and review process.
 - **g.** Submittal requirements.
 - **h.** Schedule.
- 2. <u>Step 2: Planning Commission Visioning Meeting.</u> This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:
 - a. How the proposed project is consistent with the Community Design Principles and Development Standards (Article 2 of this Code), the <u>Town/City</u> Comprehensive Plan and the Subdivision Regulations (Article 4 of this Code).

- **b.** The developer's goals and vision for the project.
- **c.** How the proposed development incorporates variety in the type, design and siting of buildings.
- **d.** How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- **e.** How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
- **f.** How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- **g.** How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- **h.** How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- **i.** Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map which shows the proposed development in relation to the surrounding area (see Section 4.5 for details).
 - **ii.** Base Map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).
 - iii. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - a) important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - **b)** proposed architectural styles;
 - c) ideas for landscaping features such as a xeriscape garden entryway;
 - **d)** streetscape components which contribute to the project's character;
 - e) a special tree on the property;
 - **f**) examples of signs that promote the development's identity; and
 - **g**) anything else that illustrates what the developer is trying to create.

- 3. Step 3: Sketch Plan Application Submittal. The applicant shall submit one (1) copy of the complete sketch plan application package to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the Planning Commission and <u>Board of Trustees/City Council</u>. The application must be submitted a minimum of three (3) weeks prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:
 - **a.** *Land Use Application Form.*
 - **b.** *Subdivisions Technical Criteria Form* (see *Workbook*).
 - c. Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment.* The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.
 - e. Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one and one-half [1½] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1'' = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) -- label land use and whether it is existing or proposed.
 - **v.** Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - **vii.** Regional open space/trail networks per the <u>Town/City</u> Comprehensive Plan.
 - viii. Major ditches, rivers and bodies of water.

- **ix.** Adjacent properties identified by subdivision name or zoning district.
- **f.** Sketch Plan. The sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free hand drawing in a legible medium that clearly shows:
 - **i.** Title of project.
 - ii. North arrow, scale (not greater than 1'' = 200') and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description.
 - **v.** Acreage of property.
 - vi. USGS topographic contours.
 - vii. Location and approximate acreage of proposed land uses.
 - **viii.** Existing easements and rights-of-way on or adjacent to the property
 - **ix.** Existing streets on or adjacent to the property (show and label street name).
 - **x.** Note indicating how the eight (8) percent public/semi-public dedication will be met (per Section 2.14).
 - **xi.** Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
 - **xii.** Proposed collector and arterial streets.
 - **xiii.** General locations of existing utilities on or adjacent to the property.
 - **xiv.** Graphic and/or verbal explanation of how the property will be served with utilities.
 - **xv.** Location of any proposed sewer lift stations.
 - **xvi.** Trails show how the development will tie into the regional trails network.
 - **xvii.** Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. Geologic hazard areas.
 - **xix.** Existing and proposed zoning on and around the property.
 - **xx.** Land use table the table shall include: land uses, approximate acreage of each land use and percentage of each land use.
- **g.** *Conceptual Landscape Plan.* Refer to Section 2.16 of the Community Design Principles and Development Standards (Article 2 of this Code) for the conceptual landscape plan requirements.

- h. Conceptual Open Space and Ecological Characterization Plan. Refer to Section 2.13 of the Community Design Principles and Development Standards (Article 2 of this Code) for the conceptual open space plan and ecological characterization requirements.
- **i.** General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards (Article 2 of this Code). If it is not consistent with the Community Design Principles and Development Standards section, explain how the intent of the criteria in the section is met.
 - **ii.** Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the sketch plan).
 - **iii.** General description of plan for drainage and storm water management. (**OPTION**: Refer to any adopted storm drainage design criteria that may be applicable).
 - iv. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the <u>Town/City</u> (consistent with <u>County</u> Water District policy, if applicable) and the source of the water (if part of annexation, source of raw water).
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - **vi.** Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
 - **vii.** Show how the proposed development complies with the <u>Town/City</u> Comprehensive Plan.

- **j.** Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- **k.** *Geologic Report.* This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist and the professional must have experience in mine subsidence. The report shall address:
 - **i.** Site conditions;
 - ii. Geologic conditions;
 - iii. Engineering and geologic considerations; and
 - iv. Limitations and any necessary additional investigations.
- 4. <u>Step 4: Application Certification of Completion.</u> Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Sketch Plan *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 5. <u>Step 5: Planning Commission Review.</u> At the next available meeting, the Planning Commission shall review the sketch plan application and provide input regarding how well the project addresses the sketch plan review criteria. The Planning Commission will then recommend to the <u>Board of Trustees/City Council</u> approval, approval with conditions or denial.
- **6.** <u>Step 6: Board of Trustees/City Council Action.</u> The <u>Board of Trustees/City Council</u> shall review the sketch plan at its next available meeting, and shall approve, conditionally approve or deny the application based on how well the application addresses the sketch plan review criteria.

- **C. Sketch Plan Review Criteria.** The <u>Town/City</u> shall use the following criteria to evaluate the applicant's sketch plan application:
 - 1. The land use mix within the project conforms to <u>Town's/City's</u> <u>Zoning District</u> Map and Land Use and Public Facilities Map and furthers the goals and policies of the <u>Town/City</u> <u>Comprehensive Plan</u> including:
 - **a.** The proposed development promotes <u>Town's/City's small town/city</u>, rural character;
 - **b.** Proposed residential development adds diversity to <u>Town's/City's</u> housing supply;
 - **c.** Proposed commercial development will benefit <u>Town's/City's</u> economic base;
 - **d.** Parks and open space are incorporated into the site design;
 - **e.** The proposed project protects <u>Town's/City's</u> environmental quality; and
 - **f.** The development enhances cultural, historical, educational and/or human service opportunities.
 - 2. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the <u>Town/City</u> Comprehensive Plan.
 - **3.** The utility and transportation design is adequate, given existing and planned capacities of those systems.
 - **4.** Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
 - 5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within *Town/City*, according to *Town's/City*'s goals.

4.6 Preliminary Plat

- **A. Preliminary Plat Purpose.** The purpose of the preliminary plat is to provide the <u>Town/City</u> with an overall master plan for the proposed development.
- **B.** Preliminary Plat Application Process.
 - **Step 1:** Pre-Application Conference. A pre-application conference with a representative from the <u>Town/City</u> is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
 - **a.** *Town/City* regulations and standards;
 - **b.** The application and review process;
 - **c.** Submittal requirements; and
 - **d.** Schedule.
 - 2. <u>Step 2: Preliminary Plat Application Submittal.</u> Upon approval or conditional approval of the sketch plan, the applicant shall submit one (1) copy of the complete preliminary plat application to the <u>Town/City</u> Clerk. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the <u>Board of Trustees/City Council</u>. The preliminary plat application package shall include the following items:
 - **a.** *Land Use Application Form.*
 - **b.** *Subdivisions Technical Criteria Form* (from *Workbook*).
 - c. Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

- **e.** Surrounding and Interested Property Ownership Report. Provide the <u>Town/City</u> Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- f. Preliminary Plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - **i.** Title of project.
 - ii. North arrow, scale (not greater than 1'' = 100') and date of preparation.
 - iii. Vicinity map.
 - **iv.** Names and addresses of owners, applicant, designers, engineers and surveyors.
 - v. Legal description.
 - **vi.** Total acreage of property.
 - vii. Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - **viii.** Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - **x.** Consecutive numbering of all lots and blocks.
 - **xi.** Existing and proposed rights-of-way and easements on and adjacent to the property.
 - **xii.** Existing and proposed street names for all streets on and adjacent to the property.
 - **xiii.** Existing and proposed zoning on and adjacent to property.
 - **xiv.** Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - **xv.** Existing and proposed curb cuts on and adjacent to subject property.
 - **xvi.** Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
 - xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).

- **xviii.** General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- **xix.** Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
- **xx.** Location, function, ownership and manner of maintenance of any private open space.
- **xxi.** Land use table the table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how twelve [12] percent public/semi-public requirement will be met).
- **xxii.** Total number of lots.
- **xxiii.** Number of each type of dwelling unit proposed.
- **g.** General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:
 - **i.** Explanation of how the preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
 - **ii.** Explanation of how the items of concern expressed by the Planning Commission and *Board of Trustees/City Council*, at the time of sketch plan review, have been addressed.
 - **iii.** Explanation of how the plan is consistent with the <u>Town/City</u> Land Use Code and <u>Town/City</u> Comprehensive Plan.
- h. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. (OPTION: Add reference to any adopted drainage design criteria). It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
- i. *Master Utility Plan*. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- **j.** Preliminary Landscape Plan. Refer to Section 2.16 of the <u>Town/City</u> Land Use Code for the preliminary landscape plan requirements.

- **k.** Preliminary Open Space and Ecological Characterization Plan. Refer to Section 2.13 of the <u>Town/City</u> Land Use Code for the preliminary open space plan and ecological characterization requirements.
- **1.** *Traffic Study.* This study must be prepared by a professional traffic engineer.
- **m.** *Draft of Proposed Covenants and Architectural Design Guidelines.*
- **n.** *Mineral, Oil and Gas Rights Documentation.* Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
- o. Soils Report and Map. A copy of the soils report and map provided at the time of sketch plan must be provided to some of the review agencies (see Letters of Support and Commitment to Serve Table in the Workbook).
- **p.** Geologic Report. If a geologic report was prepared at the time of sketch plan must be provided to some of the review agencies (see Letters of Support and Commitment to Serve Table in the *Workbook*).
- **q.** Colorado Historical Society Records Search. At the discretion of the <u>Town/City</u> Staff or <u>Board of Trustees/City Council</u>, an applicant may be required to provide the <u>Town/City</u> with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
 - **i.** Site identification:
 - a) State site number;
 - **b)** Site address;
 - c) Site location/access;
 - **d)** Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - **ii.** Eligibility assessment for historic designation.
 - **iii.** Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - **b)** Photographs of the site;
 - c) Maps of the site;

- **d**) Name, address, phone number and qualifications of person completing survey; and
- e) Date of completion of survey.

If, in coordination with the applicant, the <u>Board of Trustees/City Council</u> decides to protect an historic resource, a protection plan must be devised.

- **r.** Public Hearing Notification Envelopes. Provide the <u>Town/City</u> Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the <u>Town's/City's</u> address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- 3. Step 3: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 4. Step 4: Refer Application To Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, *County*, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 5. <u>Step 5: Letters of Support and Commitment to Serve.</u> Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the <u>Town/City</u> with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to the Letters of Support and Commitment to Serve table in the *Workbook*).
- 6. <u>Step 6: Staff Reviews Application and Prepares Comments.</u> Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

- 7. <u>Step 7: Applicant Addresses Staff Comments.</u> The applicant shall submit the following to the <u>Town/City</u> Clerk:
 - **a.** Letter explaining how all of the comments have been addressed; and
 - **b.** Revised maps and other documents.
- 8. <u>Step 8: Final Staff Review and Report to Planning Commission.</u> Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
- 9. <u>Step 9: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process.</u> The Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plat. The <u>Town/City</u> Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 10. <u>Step 10: Planning Commission Public Hearing and Recommendation.</u> The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the <u>Board of Trustees/City Council</u> to approve, conditionally approve, or deny the application.
- 11. <u>Step 11: Applicant Addresses Planning Commission Conditions.</u> The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the <u>Town/City</u>.
- 12. Step 12: Board of Trustees/City Council Action. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees/City Council may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees/City Council. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

- **C. Preliminary Plat Review Criteria.** The <u>Town/City</u> shall use the following criteria to evaluate the applicant's request:
 - 1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the <u>Town/City</u> Comprehensive Plan.
 - 2. The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.
 - 3. The land use mix within the project conforms to <u>Town's/City's</u> <u>Zoning District</u> Map and Land Use and Public Facilities Map and furthers the goals and policies of the <u>Town/City</u> Comprehensive Plan including:
 - **a.** The proposed development promotes <u>Town's/City's</u> <u>small town/city</u>, rural character;
 - **b.** Proposed residential development adds diversity to <u>Town's/City's</u> housing supply;
 - **c.** Proposed commercial development will benefit <u>Town's/City's</u> economic base;
 - **d.** Parks and open space are incorporated into the site design;
 - **e.** The proposed project protects <u>Town's/City's</u> environmental quality; and
 - **f.** The development enhances cultural, historical, educational and/or human service opportunities.
 - **4.** The utility and transportation design is adequate, given existing and planned capacities of those systems.
 - **5.** Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
 - 6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within <u>Town/City</u>, according to <u>Town's/City's</u> goals.

4.7 Final Plat

A. Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.

B. Final Plat Application Process.

- 1. Step 1: Final Plat Application Submittal. The final plat application shall conform with the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the <u>Board of Trustees/City Council</u>. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the <u>Board of Trustees/City Council</u>. In addition, the application must be submitted a minimum of sixty (60) days prior to the <u>Board of Trustees/City Council</u> meeting at which the application will be reviewed. The applicant shall submit one (1) copy of the complete final plat application package to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the Planning Commission and <u>Board of Trustees/City Council</u>. The final plat application shall include:
 - **a.** *Land Use Application Form.*
 - **b.** *Subdivisions Technical Criteria Form* (from *Workbook*).
 - c. Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer and any other expert whom the <u>Town/City</u> may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.
 - **e.** Surrounding and Interested Property Ownership Report. Provide the <u>Town/City</u> Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

- **f.** *Final Plat.* The final plat drawing shall comply with the following standards:
 - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet.

 Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - **iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - **v.** Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
 - vi. All signatures shall be made in black drawing ink.
 - **vii.** The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
 - a) Title of project.
 - **b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c) Vicinity map.
 - **d)** Legal description.
 - e) Basis for establishing bearing.
 - **f**) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - **g**) Total acreage of subdivision.
 - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.

- **j**) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
- **k)** Existing and proposed rights-of-way in and adjacent to subject property (labeled and dimensioned).
- l) Existing and proposed street names for all streets on and adjacent to the property.
- **m**) Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
- **n**) Location and description of monuments.
- o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- **p**) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
- q) Signature block for certification of approval by the <u>Board</u> <u>of Trustees/City Council</u> with a signature for the Mayor and <u>Town/City</u> Clerk (see <u>Workbook</u> for sample).
- **r)** Signature blocks for utility providers (see *Workbook* for sample).
- s) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).
- **g.** General Development Information. Provide a written description confirming that the final plat conforms with the preliminary plat. In addition, the description shall address how the proposed development conforms with the Community Design Principles and Development Standards (Section 2.16 of this Code).
- **h.** *Complete Engineering Plans and Specifications.*
 - i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - **b)** Minimum horizontal scale: 1"=100'.
 - c) Minimum vertical scale: 1"=10'.
 - d) The typical road geometric and structural cross-section is to be shown on each plan sheet.

- e) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
- f) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
- g) Signature blocks for all utility providers unless otherwise provided in agreement form.
- **ii.** Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
- **iii.** Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.

- b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, *County*, ditch companies).
- c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
- **d**) Erosion control plans, when required, to be submitted as a result of preliminary plan review.
- v. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
- vi. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
- vii. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with <u>electric utility</u> and the <u>Town/City</u>. The plan must specify the number, kind and approximate location of street lights.
- **i.** <u>Final Landscape Plan</u> Refer to Section 2.16 of this Code for the final landscape plan requirements.
- **j.** <u>Final Open Space and Ecological Characterization Plan</u> -Refer to Section 2.13 of this Code for the final open space and ecological characterization plan requirements.
- **k.** Special Documents (as Needed)
 - **i.** Special improvement district documents.
 - **ii.** Maintenance bonds.
 - iii. Special agreements (as may be required by the *Town/City*).
 - **iv.** Work in Right-of-Way Permit (from <u>Town/City</u>).
 - **v.** Floodplain Use Permit (from *Town/City*).
 - vi. Grading Permit (from <u>Town/City</u>).
 - **vii.** State Highway Utility Permit (from Colorado Department of Transportation).
 - **viii.** State Highway Access Permit (from Colorado Department of Transportation).
 - ix. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
 - **x.** 404 Permit (from Army Corps of Engineers).

- **xi.** Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
- **xii.** Work in Ditch Right-of-Way Permit (from individual ditch companies).
- **xiii.** Rare Species Occurrence Survey (from U.S. Fish and Wildlife Service).
- **xiv.** Memorandum of Agreement for Public Improvements (MOAPI) This agreement assures construction of the required improvements. This document shall be signed by the developer and the <u>Town/City</u>, the signatures shall be notarized, and the document shall be recorded by the <u>Town/City</u> Clerk with the <u>County</u> Clerk and Recorder.
- **xv.** General Warranty Deed This deed conveys to the <u>Town/City</u> all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the <u>Town/City</u>.
- **xvi.** Improvements Guarantee Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the MOAPI or other agreements or contracts, posted in favor of the <u>Town/City</u> in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the <u>Board of Trustees/City Council</u> shall determine.
- **xvii.** Approved Adjudication of Water Rights and a *Plan of Augmentation* (if applicable).
- xviii. Protective Covenants, *Homeowners Association (HOA)*Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
- **xix.** FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- **xx.** Documentation showing who will own and maintain the open space (refer to Section 2.13.C.6 for details).
- **xxi.** Documentation for dedication of public sites for open space or other civic purposes (refer to Section 2.14).
- **l.** "Clean" Final Plat for Addressing.
 - **i.** Title of project.
 - ii. North arrow, scale (not greater than 1"=100') and date of preparation.
 - iii. Vicinity map.
 - iv. Lot and block numbers, numbered in consecutive order.
 - **v.** Rights-of-way and street names.
 - **vi.** Property boundary.

- **m.** Public Hearing Notification Envelopes. Provide the <u>Town/City</u> Clerk with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the <u>Town's/City's</u> address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- **n.** *Block Diversity Plan.* Refer to Section 2.19 for the plan requirements.
- 2. <u>Step 2: Application Certification of Completion.</u> Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Final Plat *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- Step 3: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial Planning Commission public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, *County*, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 4. <u>Step 4: Staff Reviews Application and Prepares Comments.</u> Staff will complete a technical review of the final plat based on the <u>Town's/City's</u> final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.
- 5. <u>Step 5: Applicant Addresses Staff Comments.</u> The applicant shall address all of the Staff comments then submit the following to the <u>Town/City</u> Clerk:
 - **a.** Letter explaining how all of the comments have been addressed; and
 - **b.** Revised maps and other documents.
- 6. Step 6: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

- 7. Step 7: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the final plat. The <u>Town/City</u> Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 8. <u>Step 8: Planning Commission Public Hearing and Recommendation.</u> The Planning Commission shall hold a public hearing to review the final plat based on the <u>Town's/City's</u> final plat review criteria. They shall then make a recommendation to the <u>Board of Trustees/City Council</u> to approve, conditionally approve, or deny the final plat application.
- **9.** <u>Step 9: Applicant Addresses Planning Commission Conditions.</u> The applicant shall revise the final plat based on Planning Commission's conditions of approval and submit it to the <u>Town/City</u>.
- 10. Step 10: Notify Parties of Interest. Not less than thirty (30) days before the date scheduled for the initial *Board of Trustees/City Council* public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 11. Step 11: Schedule Final Plat Public Hearing and Complete Public Notification Process. The *Board of Trustees/City Council* shall schedule a public hearing for the purpose of taking action on the final plat. The *Town/City* Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 12. Step 12: Board of Trustees/City Council Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees/City Council for its review and action at a public hearing. The Town Board of Trustees/City Council shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees/City Council shall adopt the plat by ordinance and the Town/City Clerk shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town/City will provide the finalized Memorandum of Agreement for Public Improvements (MOAPI) for the applicant to sign.
- 13. <u>Step 13: Record Final Plat.</u> One (1) original mylar of the final plat shall be recorded by the <u>Town/City</u> Clerk in the office of the <u>County</u> Clerk and Recorder. The recording fee shall be paid by the developer.

- **14.** <u>Step 14: Post Approval Actions.</u> The applicant shall submit the following documentation to the <u>Town/City</u> Clerk:
 - **a.** *List of Contractors.* List of all contractors that will be performing the improvements.
 - **b.** *Proof of Insurance*. Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - **c.** *Open Space Deed Restriction.* Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
 - **d.** Other Certificates, Affidavits, Enforcements or Deductions. As required by the Planning Commission or <u>Board of Trustees/City Council</u>.
- **C. Final Plat Review Criteria.** The <u>Town/City</u> shall use the following criteria to evaluate the applicant's request:
 - 1. The final plat conforms with the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the <u>Board of Trustees/City</u> Council.
 - 2. The development will substantially comply with the Community Design Principles and Development Standards as set forth in Article 2 of this Code.
 - **3.** All applicable technical standards have been met.

4.8 Concurrent Sketch Plan/Preliminary Plat

- **A. Concurrent Sketch Plan/Preliminary Plat Purpose.** The purpose of the concurrent sketch plan/preliminary plat is to provide the <u>Town/City</u> with an overall master plan for the proposed development in one step.
- B. Concurrent Sketch Plan/Preliminary Plat Application Process.
 - 1. <u>Step 1: Pre-Application Conference.</u> A pre-application conference with a representative from the <u>Town/City</u> is required before the applicant may submit a concurrent sketch plan/preliminary plat application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the <u>Town/City</u> the opportunity to communicate the <u>Town's/City</u>'s vision. Topics to be discussed will include:
 - **a.** The applicant's goals for the property.
 - **b.** <u>Town's/City's</u> vision and expectations.
 - **c.** Community Design Principles and Development Standards.
 - **d.** The character and quality of development the *Town/City* is seeking.
 - **e.** <u>Town/City</u> regulations and standards.
 - **f.** The application and review process.
 - **g.** Submittal requirements.
 - **h.** Schedule.
 - 2. <u>Step 2: Site Visit with Town/City Representative.</u> At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a <u>Town/City</u> representative. This will give the applicant and the <u>Town/City</u> the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints.
 - 3. <u>Step 3: Planning Commission Visioning Meeting.</u> This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

- **a.** The developer's goals and vision for the project.
- **b.** How the proposed project is consistent with the Community Design Principles and Development (Article 2) and Subdivision Regulations (Article 4) sections of this Code and the <u>Town/City</u> Comprehensive Plan.
- **c.** How the proposed development incorporates variety in the type, design and siting of buildings.
- **d.** How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- **e.** How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).
- **f.** How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- **g.** How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- **h.** How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- **i.** Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map which shows the proposed development in relation to the surrounding area (see Section 4.5 for details).
 - **ii.** Base Map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).
 - **iii.** Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - a) important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - **b)** proposed architectural styles;
 - c) ideas for landscaping features such as a xeriscape garden entryway;
 - **d**) streetscape components which contribute to the project's character;

- e) a special tree on the property:
- **f**) examples of signs that promote the development's identity; and
- **g**) anything else that illustrates what the developer is trying to create.
- 4. <u>Step 4: Concurrent Sketch Plan/Preliminary Plat Application Submittal.</u> The applicant shall submit one (1) complete copy of the sketch plan/preliminary plat application to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the Planning Commission and <u>Board of Trustees/City Council</u>. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:
 - **a.** *Land Use Application Form.*
 - **b.** *Subdivisions Technical Criteria Form* (from *Workbook*).
 - c. Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of sketch plan/preliminary plat application submittal.
 - **e.** Surrounding and Interested Property Ownership Report. Provide the <u>Town/City</u> Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
 - **f.** Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one and one-half [1½] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- i. Title of project.
- ii. North arrow, scale (not greater than 1'' = 1000') and date of preparation.
- iii. Boundary of proposed project.
- iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) label land use and whether it is existing or proposed.
- **v.** Major streets (show and label street names).
- vi. Existing public water and sewer lines and proposed connections.
- **vii.** Regional open space/trail networks per the <u>Town/City</u> Comprehensive Plan.
- viii. Major ditches, rivers and bodies of water.
- ix. Adjacent properties identified by subdivision name or zoning district.
- **g.** *Sketch Plan/Preliminary Plat.* The sketch plan/preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - **i.** Title of project.
 - ii. North arrow, scale (not greater than 1'' = 100') and date of preparation.
 - iii. Vicinity map.
 - iv. Names and addresses of owners, applicant, designers, engineers and surveyors.
 - v. Legal description.
 - vi. Total acreage of property.
 - **vii.** Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - **viii.** Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - **x.** Consecutive numbering of all lots and blocks.
 - **xi.** Existing and proposed rights-of-way and easements on and adjacent to the property.
 - **xii.** Existing and proposed street names for all streets on and adjacent to the property.
 - **xiii.** Existing and proposed zoning on and adjacent to property.
 - **xiv.** Location and size of existing and proposed water and sewer lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - **xv.** Existing and proposed curb cuts on and adjacent to subject property.

- **xvi.** Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
- **xvii.** Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
- **xviii.** General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- **xix.** Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
- **xx.** Location, function, ownership and manner of maintenance of any private open space.
- **xxi.** Land use table the table shall include: land uses; approximate acreage of each land use; and percentage of each land use.
- **xxii.** Total number of lots.
- **xxiii.** Number of each type of dwelling unit proposed.
- **h.** General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale (discuss how development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards section of this Code [Article 2]);
 - ii. Price ranges of lots and dwelling units;
 - **iii.** Water supply information including: the number of water taps needed; the amount of raw water that will be turned over to the *Town/City* (consistent with *County* Water District policy);
 - iv. Statement indicating whether or not any commercial mineral deposits are located on the site;
 - **v.** Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan/preliminary plat map); and
 - vi. Explanation of how the plan is consistent with the <u>Town/City</u> Land Use Code and Town/City Comprehensive Plan.

- i. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications (OPTION: refer to any adopted storm drainage design criteria). It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.
- j. *Master Utility Plan*. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- **k.** *Preliminary Landscape Plan.* Refer to Section 2.16 of this Code for the preliminary landscape plan requirements.
- **l.** Preliminary Open Space and Ecological Characterization Plan. Refer to Sections 2.13 of this Code for the preliminary open space plan and ecological characterization requirements.
- **m.** *Traffic Study*. This study must be prepared by a professional traffic engineer.
- **n.** *Draft of Proposed Covenants and Architectural Design Guidelines.*
- o. *Mineral, Oil and Gas Rights Documentation*. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
- **p.** Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

- **q.** Geologic Report. This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist the professional must have experience in mine subsidence. The report shall address site conditions; geologic conditions; engineering and geologic considerations; and limitations and any necessary additional investigations.
- r. Colorado Historical Society Records Search. At the discretion of the <u>Town/City</u> Staff or <u>Board of Trustees/City Council</u>, an applicant may need to provide the <u>Town/City</u> with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
 - **i.** Site identification:
 - a) State site number:
 - **b)** Site address:
 - c) Site location/access;
 - **d)** Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - **ii.** Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - **iv.** Management and administrative data:
 - a) References;
 - **b)** Photographs of the site;
 - c) Maps of the site;
 - **d)** Name, address, phone number and qualifications of person completing survey; and
 - **e**) Date of completion of survey.

If, in coordination with the applicant, the <u>Board of Trustees/City</u> <u>Council</u> decides to protect an historic resource, a protection plan must be devised.

s. Public Hearing Notification Envelopes. Provide the <u>Town/City</u> Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the <u>Town's/City's</u> address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the

property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

- 5. Step 5: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Sketch Plan/Preliminary Plat *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 6. Step 6: Refer Application To Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, *County*, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 7. <u>Step 7: Letters of Support and Commitment to Serve.</u> Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the <u>Town/City</u> with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the *Workbook*).
- 8. <u>Step 8: Staff Review Application and Prepares Comments.</u> Staff will complete a review of the sketch plan/preliminary plat based on the sketch plan/preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.
- **9.** <u>Step 9: Applicant Addresses Staff Comments.</u> The applicant shall submit the following to the <u>Town/City</u> Clerk:
 - **a.** Letter explaining how all of the comments have been addressed; and
 - **b.** Revised maps and other documents.
- 10. <u>Step 10: Final Staff Review and Report to Planning Commission.</u> Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan/preliminary plat review criteria.

- 11. Step 11: Schedule Concurrent Sketch Plan/Preliminary Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the sketch plan/preliminary plat. The *Town/City* Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 12. <u>Step 12: Planning Commission Public Hearing and Recommendation.</u> The Planning Commission shall hold a public hearing to review the application based on the sketch plan/preliminary plat review criteria. The Planning Commission shall then make a recommendation to the <u>Board of Trustees/City Council</u> to approve, conditionally approve, or deny the application.
- **13.** <u>Step 13: Applicant Addresses Planning Commission Conditions.</u> The applicant shall revise the sketch plan/preliminary plat based on the Planning Commission's conditions of approval and submit it to the <u>Town/City</u>.
- 14. Step 14: Board of Trustees/City Council Action. The sketch plan/preliminary plat shall be presented to the Board of Trustees/City Council for its review and action. The Board of Trustees/City Council may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a sketch plan/preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees/City Council. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.
- **C. Concurrent Sketch Plan/Preliminary Plat Review Criteria.** The <u>Town/City</u> shall use the following criteria to evaluate the applicant's concurrent sketch plan/preliminary plat application:
 - 1. The land use mix within the project conforms to <u>Town's/City's</u> <u>Zoning District</u> Map and Land Use and Public Facilities Map and furthers the goals and policies of the <u>Town/City</u> <u>Comprehensive Plan</u> including:
 - **a.** The proposed development promotes <u>Town's/City's</u> small town rural character;
 - **b.** Proposed residential development adds diversity to <u>Town's/City's</u> housing supply;
 - **c.** Proposed commercial development will benefit <u>Town's/City's</u> economic base;

- **d.** Parks and open space are incorporated into the site design;
- **e.** The proposed project protects <u>Town's/City's</u> environmental quality; and
- **f.** The development enhances cultural, historical, educational and/or human service opportunities.
- 2. The sketch plan/preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the <u>Town/City</u> *Comprehensive Plan* and, the Community Design Principles and Development Standards (Article 2 of this Code).
- **3.** The utility and transportation design is adequate, given existing and planned capacities of those systems.
- **4.** Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- 5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within *Town/City*, according to *Town's/City*'s goals.

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4.9 Conservation Subdivision¹

A. Conservation Subdivision Purpose.

- 1. To preserve open areas in the <u>Town/City</u> Planning Area and promote the goal of contiguous open space and agricultural preservation.
- 2. To provide flexible land use regulations which encourage innovative site design techniques and improve the character and quality of new development.
- **3.** To further the goals and policies set forth in the <u>Town/City</u> Comprehensive Plan.
- **4.** Encourage development patterns which promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
- **5.** Promote creative and economical residential layout and street design to provide a more efficient and aesthetic use of open space and to reduce infrastructure cost.
- **6.** To recognize and respect both individual rights and community interests and values when development is proposed.

B. Conservation Subdivision General Policies and Guidelines.

- 1. <u>Area Where Conservation Subdivisions are Permitted.</u> Conservation subdivisions are permitted in all areas designated as conservation subdivision on the *Land Use Overlay District Map* found in the <u>Town/City Land Use Code</u> Section 2.6.
- Qpen Space. In conservation subdivisions at least seventy-five (75) percent of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a permanent conservation easement or other legal instrument. Areas which must be included within the conservation area include land within the 100-year floodplain (as defined by the Board of Trustees/City Council, the Colorado Water Conservation Board or FEMA), wetlands (as determined by Town/City Wetland Map or ecological characterization), valuable habitat areas (as determined by an ecological characterization, refer to Section 2.22) and natural geologic hazard areas (as defined by the Colorado Geological Survey).

¹These principles were adapted from *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, Randall Arendt, 1996.

a. Location of Open Space

- i. To the maximum extent possible, the conservation area shall include one hundred (100) foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, prime farmland, historic, archaeological or cultural features, ridgelines and scenic view corridors.
- ii. The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.
- **iii.** Areas set aside for trail easements and peripheral roads may be considered part of the outlot.
- iv. To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.
- 3. <u>Development Area.</u> In conservation subdivisions up to twenty-five (25) percent of the property may be developed.

4. Location of Building Lots.

- a. The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area. In the case of undermining, the recommendations made in the geotechnical report must be followed.
- b. The lots shall be clustered to make efficient use of land resources and infrastructure. The lots shall also be clustered with respect to dwellings on surrounding properties. However, if clustering detracts from the natural characteristics of the parcel, the lots may be dispersed if approved by the *Board of Trustees/City Council*.
- c. The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.

- **d.** Lot sizes and spacing will depend on the specific site and technical and environmental factors.
- **e.** Additional factors which shall be considered in siting the building lots include:
 - **i.** Type of development in the surrounding area;
 - **ii.** Amount of land being preserved;
 - iii. Owner's desires for utilization of the land;
 - iv. Impact on infrastructure;
 - v. Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
 - vi. Surface and ground water quality;
 - vii. View corridors from and into the development; and
 - **viii.** Proximity to existing utilities.
- **5.** <u>Determining Density.</u> The maximum net density in a conservation subdivision is one (1) unit per five (5) acres.
- **6.** <u>Determining Lot Sizes.</u> The minimum lot size allowed in a conservation subdivision is determined by whether the property will use septic systems or tie into a sanitary sewer system.
 - **a.** Septic System Developments.
 - i. One (1) acre minimum lot size or the <u>County</u> Department of Public Health and the Environment standard (whichever is greater).
 - **b.** Public Sewer System Developments.
 - i. Ten thousand (10,000) square foot minimum lot size for units not adjacent to open space.
 - **ii.** Eight thousand (8,000) square foot minimum lot size for units adjacent to open space.

7. <u>Septic System Requirements.</u>

- **a.** A development exceeding fifty (50) units must be served by public sewer.
- **b.** The type of septic systems allowed shall utilize the most environmentally sensitive technology available at the time of installation.
- The developer must require the homeowners' association or another <u>Town/City</u>-approved group to ensure all of the septic systems are inspected and maintained on an annual basis. The homeowners' association or other <u>Town/City</u>-approved group must keep records of when and who completes the inspections and maintenance.

C. Conservation Subdivision Incentives and Benefits.

- 1. Landowner Incentives for Developing Conservation Subdivisions:
 - **a.** Process is easier/faster.
 - **b.** Possible increase in land value by creating open space.
 - **c.** Flexibility in site design.
 - **d.** Conservation subdivision applications receive priority.
 - **e.** Conservation subdivision review process is abbreviated the sketch plan and preliminary plat applications are submitted and reviewed concurrently.

2. <u>Community and Landowner Benefits:</u>

- **a.** Preserves <u>Town's/City's</u> agricultural lands, rural character and view corridors.
- **b.** Maintains wetlands, wildlife habitat and other environmental resources.
- **c.** Maintains land contiguous with adjacent open space.
- **d.** May allow public access to open space.

- **D.** Conservation Subdivisions Open Space Ownership Standards. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the *Town Board of Trustees/City Council*.
 - 1. <u>Common Areas.</u> Ownership and maintenance of common areas designated for the enjoyment of residents of the conservation subdivision shall be the responsibility of a homeowners' association, unless a different arrangement is determined to be adequate. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the <u>Board of Trustees/City Council</u> may agree to accept and maintain the common areas for the enjoyment of residents of <u>Town/City</u>.
 - **2.** <u>Dedication of Easements.</u> The <u>Town/City</u> may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land provided the following requirements are met:
 - **a.** The title shall remain in ownership by the homeowners' association unless otherwise approved by the *Board of Trustees/City Council*;
 - **b.** The land is accessible to the public;
 - **c.** There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
 - **d.** A satisfactory maintenance agreement is reached between the developer, homeowners' association and the *Town/City*.
 - Management Plan. In all cases, a management plan which defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat (refer to Section 2.13).
 - 4. Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this ordinance. The *Town/City* of *Town/City* is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days. Please refer to Article 6 of this Code for further information.

E. Sketch Plan/Preliminary Plat Application Process for Conservation Subdivisions.

- 1. <u>Step 1: Pre-Application Conference (for Conservation Subdivisions).</u> A preapplication conference with a representative from the <u>Town/City</u> is required before the applicant may submit a sketch plan/preliminary plat application for a conservation subdivision. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the <u>Town/City</u> the opportunity to communicate the <u>Town's/City</u>'s vision. Topics to be discussed will include:
 - **a.** The applicant's goals for the property.
 - **b.** <u>Town/City</u> vision and expectations.
 - **c.** Community Design Principles and Development Standards.
 - **d.** The character and quality of development the <u>Town/City</u> is seeking.
 - **e.** *Town/City* regulations and standards.
 - **f.** The application and review process.
 - **g.** Submittal requirements.
 - **h.** Schedule.
- 2. <u>Step 2: Site Visit with Town/City Representative.</u> At the pre-application conference, the applicant will have an opportunity to schedule a site visit with a <u>Town/City</u> representative. This will give the applicant and the <u>Town/City</u> the opportunity to visit the site together to recognize and discuss the site's opportunities and constraints.
- 3. <u>Step 3: Planning Commission Visioning Meeting.</u> This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:
 - **a.** The developer's goals and vision for the project.
 - **b.** How the proposed project is consistent with the Community Design Principles and Development and Subdivision Regulations, Article 2 of this Code, and the *Town/City Comprehensive Plan*.
 - **c.** How the proposed development incorporates variety in the type, design and siting of buildings.

- **d.** How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- **e.** How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors).
- f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- **g.** How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- **h.** How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- **i.** Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map which shows the proposed development in relation to the surrounding area (see Section 4.5 for details).
 - **ii.** Base Map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).
 - **iii.** Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - a) important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - **b**) proposed architectural styles;
 - c) ideas for landscaping features such as a xeriscape garden entryway;
 - **d**) streetscape components which contribute to the project's character;
 - e) a special tree on the property;
 - f) examples of signs that promote the development's identity;
 - **g**) anything else that illustrates what the developer is trying to create.

- 4. <u>Step 4: Sketch Plan/Preliminary Plat Application Submittal (for Conservation Subdivisions).</u> The applicant shall submit one (1) copy of the complete sketch plan/preliminary plat application to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the Planning Commission and <u>Board of Trustees/City Council</u>. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan/preliminary plat application package shall include the following items:
 - **a.** *Land Use Application Form.*
 - **b.** Subdivisions Technical Criteria Form (from Workbook.)
 - c. Application Fee and Fee Agreement A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment* The title commitment must be current and dated no more than thirty (30) days from the date of sketch plan/preliminary plat application submittal.
 - **e.** Surrounding and Interested Property Ownership Report Provide the <u>Town/City</u> Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
 - **f.** Context/Vicinity Map The context/vicinity map shall show the proposed development in relation to the surrounding area (one and one-half [1½] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1'' = 1000') and date of preparation.

- iii. Boundary of proposed project.
- iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) label land use and whether it is existing or proposed.
- **v.** Major streets (show and label street names).
- vi. Existing public water and sewer lines and proposed connections.
- **vii.** Regional open space/trail networks per the <u>Town/City</u> Comprehensive Plan.
- viii. Major ditches, rivers and bodies of water.
- **ix.** Adjacent properties identified by subdivision name or zoning district.
- **g.** *Sketch Plan/Preliminary Plat* The sketch plan/preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - **i.** Title of project.
 - ii. North arrow, scale (not greater than 1'' = 100') and date of preparation.
 - iii. Vicinity map.
 - **iv.** Names and addresses of owners, applicant, designers, engineers and surveyors.
 - v. Legal description.
 - **vi.** Total acreage of property.
 - vii. Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - **viii.** Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - **x.** Consecutive numbering of all lots and blocks.
 - **xi.** Existing and proposed rights-of-way and easements on and adjacent to the property.
 - **xii.** Existing and proposed street names for all streets on and adjacent to the property.
 - **xiii.** Existing and proposed zoning on and adjacent to property.
 - **xiv.** Location and size of existing and proposed water and sewer lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - xv. Existing and proposed curb cuts on and adjacent to subject property.

- **xvi.** Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
- **xvii.** Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
- **xviii.** General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- **xix.** Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
- **xx.** Location, function, ownership and manner of maintenance of any private open space.
- **xxi.** Land use table the table shall include: land uses, approximate acreage of each land use, and percentage of each land use.
- **xxii.** Total number of lots.
- **xxiii.** Number of each type of dwelling unit proposed.
- **h.** General Development Information Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale (discuss how development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Community Design Principles and Development Standards, Article 2 of this Code.
 - **ii.** Price ranges of lots and dwelling units.
 - **iii.** Water supply information including: the number of water taps needed; the amount of raw water that will be turned over to the *Town/City* (consistent with *County* Water District policy, if applicable).
 - iv. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - **v.** Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan/preliminary plat map).
 - vi. Explanation of how the plan is consistent with the <u>Town/City</u> Land Use Code and <u>Town/City</u> Comprehensive Plan.

- i. Preliminary Grading and Drainage Plan and Report This plan and report must be certified by a registered professional engineer, including storm drainage concepts such as locations for on-site retention or downstream structural improvements and soil erosion and sedimentation control plans and specifications (**OPTION**: refer to any adopted storm drainage design criteria). It must also discuss the impacts on and to any existing floodways on and adjacent to the site as well as any FEMA applications required.
- **j.** *Master Utility Plan* This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- **k.** *Preliminary Landscape Plan* Refer to Section 2.16 of this Code for the preliminary landscape plan requirements.
- **L** Preliminary Open Space and Ecological Characterization Plan Refer to Sections 2.13 of this Code for the preliminary open space plan and ecological characterization requirements.
- **m.** *Traffic Study* This study must be prepared by a professional traffic engineer.
- **n.** *Draft of Proposed Covenants and Architectural Design Guidelines.*
- o. *Mineral, Oil and Gas Rights Documentation* Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working towards resolution. Included in the evidence must be the name of the current contact person, their phone number, and mailing address.
- **p.** Soils Report and Map The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

- **q.** Geologic Report This report is required only for areas that have the potential for subsidence. It must be prepared by either a registered professional engineer or professional geologist the professional must have experience in mine subsidence. The report shall address site conditions; geologic conditions; engineering and geologic considerations; and limitations and any necessary additional investigations.
- **r.** Colorado Historical Society Records Search At the discretion of the <u>Town/City</u> Staff or <u>Board of Trustees/City Council</u>, an applicant may need to provide the <u>Town/City</u> with a Colorado Historical Society record listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
 - **i.** Site identification.
 - a) State site number;
 - **b)** Site address:
 - c) Site location/access;
 - **d**) Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - **ii.** Eligibility assessment for historic designation.
 - **iii.** Statement of significance.
 - iv. Management and administrative data.
 - a) References;
 - **b)** Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.

If, in coordination with the applicant, the <u>Board of Trustees/City</u> <u>Council</u> decides to protect an historic resource, a protection plan must be devised.

s. Public Hearing Notification Envelopes - Provide the <u>Town/City</u> Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the <u>Town's/City's</u> address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property, mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

- 5. Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Conservation Subdivision *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 6. Step 6: Refer Application To Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, *County*, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 7. <u>Step 7: Letters of Support and Commitment to Serve.</u> Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the <u>Town/City</u> with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the *Workbook*).
- 8. <u>Step 8: Staff Reviews Application and Prepares Comments.</u> Staff will complete a review of the sketch plan/preliminary plat based on the sketch plan/preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.
- **9.** <u>Step 9: Applicant Addresses Staff Comments.</u> The applicant shall submit the following to the <u>Town/City</u> Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - **b.** Revised maps and other documents.
- 10. <u>Step 10: Final Staff Review and Report to Planning Commission.</u> Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan/preliminary plat review criteria.

- 11. Step 11: Schedule Conservation Subdivision Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the sketch plan/preliminary plat. The Town/City Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 12. <u>Step 12: Planning Commission Public Hearing and Action.</u> The Planning Commission shall hold a public hearing to review the application based on the sketch plan/preliminary plat review criteria for conservation subdivisions. The Planning Commission shall then make a recommendation to the <u>Board of Trustees/City Council</u> to approve, conditionally approve, or deny the application.
- **Step 13:** Applicant Addresses Planning Commission Conditions. The applicant shall revise the sketch plan/preliminary plat based on the Planning Commission's conditions of approval and submit it to the *Town/City*.
- 14. Step 14: Board of Trustees/City Council Action. The sketch plan/preliminary plat shall be presented to the Board of Trustees/City Council for its review and action. The Board of Trustees/City Council may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a sketch plan/preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees/City Council. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.
- **15.** <u>Step 15: Final Plat Application Process (for Conservation Subdivisions).</u> Refer to the final plat application process outlined in Section 4.7.
- F. Sketch Plan/Preliminary Plat Review Criteria for a Conservation Subdivision. The <u>Town/City</u> shall use the following criteria to evaluate the applicant's request:
 - 1. The land use mix within the project conforms to <u>Town's/City's</u> <u>Zoning District</u> Map and Land Use and Public Facilities Map and furthers the goals and policies of the <u>Town/City</u> Comprehensive Plan including:
 - **a.** The proposed development will preserve open space, environmental resources and/or agricultural land.
 - **b.** The proposed development promotes <u>Town's/City's</u> small town rural character.

- **c.** The proposed residential development adds diversity to <u>Town's/City's</u> housing supply.
- **d.** Parks and open space are incorporated into the site design.
- **e.** The proposed project protects <u>Town's/City's</u> environmental quality.
- **f.** The development enhances cultural, historical, educational and/or human service opportunities.
- 2. The sketch plan/preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the <u>Town/City</u> Comprehensive Plan.
- **3.** The utility and transportation design is appropriate, given existing and planned capacities of those systems.
- **4.** Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- 5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within <u>Town/City</u>, according to <u>Town's/City</u>'s goals.
- 6. The conservation subdivision, compared with more conventional site development plans, better attains the policies of <u>Town/City</u> Land Use Code and the <u>Town/City</u> Comprehensive Plan, such as providing more open areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
- 7. The proposed conservation subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the <u>Town/City</u> to buffer and protect adjacent properties from the proposed development.
- 8. The architecture, height, building materials, building colors and other design features of the conservation subdivision are compatible with adjacent properties and existing development and blend with the natural landscape.

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4.10 Minor Subdivision Plat

A. Minor Subdivision Plat Purpose.

1. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

Option 1:

- **a.** The property has previously been platted within the <u>Town/City</u> of <u>Town/City</u>;
- **b.** There is no public right-of-way dedication;
- **c.** The entire tract to be subdivided is ten (10) acres or less in size;
- **d.** The resulting subdivision will produce ten (10) or fewer lots; and
- **e.** There will be no exceptions to the Subdivision Design Standards.

Option 2:

- **a.** The property is to be subdivided for conveyance purposes only; and
- **f.** There is no public right-of-way dedication.

B. Minor Subdivision Plat Application Process.

- **Step 1:** Pre-Application Conference. A pre-application conference with a representative from the <u>Town/City</u> is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
 - **a.** *Town/City* regulations and standards.
 - **b.** The application and review process.
 - **c.** Submittal requirements.
 - **d.** Schedule.

- 2. <u>Step 2: Minor Subdivision Plat Application Submittal.</u> The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the Planning Commission and <u>Board of Trustees/City Council</u>. The minor subdivision plat application shall include:
 - **a.** Land Use Application Form.
 - **b.** *Subdivisions Technical Criteria Form* (from *Workbook*).
 - c. Application Fee and Fee Agreement A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** *Title Commitment* The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
 - **e.** *Minor Subdivision Plat* The minor subdivision plat drawing shall comply with the following standards:
 - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet.Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - **iii.** Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

- v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vi. All signatures shall be made in black drawing ink.
- vii. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
 - a) Title of project.
 - **b)** North arrow, scale (not greater than 1"=100') and date of preparation.
 - c) Vicinity map.
 - **d)** Legal description.
 - e) Basis for establishing bearing.
 - **f**) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - **g**) Total acreage of subdivision.
 - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
 - **j**) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - **k**) Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
 - l) Existing and proposed street names for all streets on and adjacent to the property.
 - **m**) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
 - **n)** Location and description of monuments.
 - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 - **p)** Certificates blocks for signatures of owner, surveyor, utility providers, and <u>Town/City</u> approval, as applicable (see *Workbook* for examples).

- **f.** General Development Information Provide a written description addressing how the proposed development conforms with the <u>Town/City</u> Land Use Code (including the Community Design Principles and Development Standards, the Zoning Code and the Subdivision Regulations) and the <u>Town/City</u> Comprehensive Plan.
- g. Surrounding and Interested Property Ownership Report Provide the <u>Town/City</u> Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- **h.** Block Diversity Plan. Refer to Section 2.19 for the plan requirements.
- 3. Step 3: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 4. Step 4: Refer Application To Parties of Interest. Not less than forty-five (45) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, *County*, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 5. <u>Step 5: Letters of Support and Commitment to Serve.</u> Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the <u>Town/City</u> with letters of support and commitment to serve from all agencies identified at the pre-application conference.
- 6. <u>Step 6: Staff Reviews Application and Prepares Comments.</u> Staff will complete a review of the minor subdivision plat based on the <u>Town's/City's</u> minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.

- 7. <u>Step 7: Applicant Addresses Staff Comments.</u>
 - **a.** The applicant shall address the Staff's comments then submit the following to the <u>Town/City</u> Clerk:
 - i. Letter explaining how all of the comments have been addressed; and
 - **ii.** Revised maps and other documents.
- 8. Step 8: Schedule Minor Subdivision Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the minor subdivision. The <u>Town/City</u> Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 9. <u>Step 9: Planning Commission Public Hearing and Recommendation.</u> The Planning Commission shall hold a public hearing to review the application based on the minor subdivision review criteria. The Planning Commission shall then make a recommendation to the <u>Board of Trustees/City Council</u> to approve, conditionally approve, or deny the application.
- 10. <u>Step 10: Applicant Addresses Planning Commission Conditions.</u> The applicant shall revise the minor subdivision plat based on the Planning Commission's conditions of approval and submit it to the <u>Town/City</u>.
- 11. Step 11: Board of Trustees/City Council Action. The minor subdivision plat shall be presented to the Board of Trustees/City Council for its review and action. The Board of Trustees/City Council may approve, conditionally approve or deny the minor subdivision based on the minor subdivision review criteria. If approved, the Board of Trustees/City Council shall adopt the minor subdivision plat by ordinance and the Town/City Clerk shall request two (2) original mylars of the plat ready for the Mayor and Clerk to sign and then record. All final decisions of the Board of Trustees/City Council approving, approving subject to conditions, or denying an application shall be subject to review by the District Court in County. Any applicant or other interested party may appeal such decisions in the manner provided by rules relating to civil proceedings before the District Court.
- **12.** <u>Step 12: Record Minor Subdivision Plat.</u> One (1) original mylar of the minor subdivision plat shall be recorded by the <u>Town/City</u> Clerk in the office of the *County* Clerk and Recorder. The recording fee shall be paid by the developer.

- **C. Minor Subdivision Plat Review Criteria.** The <u>Town/City</u> shall use the following criteria to evaluate the applicant's request:
 - **1.** The minor subdivision plat is in compliance with the <u>Town/City</u> Land Use Code and the <u>Town/City</u> Comprehensive Plan.

4.11 Plot Plan

A. Plot Plan Purpose. The plot plan is needed in order to apply for a building permit for any building or structure constructed on a single-family home or duplex lot. The plot plan shows where the proposed building or structure will be located on the lot so that the Town/City can make sure that the proposed location will be in compliance with all Town/City regulations.

B. Plot Plan Process.

- 1. <u>Step 1: Submit Plot Plan Application Package</u>.
 - **a.** Land Use Application Form.
 - **b.** *Plot Plan Technical Criteria Form* (from *Workbook*).
 - **c.** *Application Fee and Fee Agreement.*
 - **d.** Plot Plan Map The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
 - **i.** Title of project.
 - ii. North arrow, scale (1"=20' or as approved by the <u>Town/City</u>) and date of preparation.
 - iii. Name, address and phone number of property owner.
 - iv. Lot number, block number and name of subdivision.
 - v. Lot size (square footage).
 - vi. Bearings and distances of all lot lines.
 - **vii.** Existing easements on the lot.
 - viii. Footprint of the proposed building or structure, dimensioned.
 - **ix.** Square footage of the proposed building and the footprint of the proposed building.
 - **x.** Distance from the proposed building or structure to all lot lines.
 - **xi.** All existing buildings or structures on the lot.
 - **xii.** Driveway.
 - **xiii.** Existing and/or proposed water and sewer service lines on the lot.

- **xiv.** Elevations of:
 - a) The finished floor for the house and garage.
 - **b**) The ground ten (10) feet away from the house and garage.
 - **c)** The lot corners.
- **xv.** Height of all proposed buildings.
- **xvi.** Street trees (right-of-way landscaping).
- e. Community Design Principles Description Demonstrate in written and/or graphic form how the proposed structure is consistent with the applicable Community Design Principles and Development Standards found in Article 2 of this Code.
- f. Drainage Information Provide the <u>Town/City</u> with information regarding how the lot will drain, if requested by the <u>Town/City</u> Clerk or <u>Board of Trustees/City Council</u>.
- 2. <u>Step 2: Staff Reviews Plot Plan Application and Prepares Comments.</u> Staff will review the plot plan map to make sure is it consistent with the plot plan review criteria. Following the review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.
- 3. <u>Step 3: Applicant Addresses Staff Comments.</u> Applicant makes all necessary changes to the plot plan and resubmits a revised copy to the <u>Town/City</u>.
- **4.** <u>Step 4: Plot Plan Approval.</u> Staff completes final review of plot plan to ensure that the Plan is complete. If the Plan is determined completed, it is approved by Staff.
- C. Plot Plan Review Criteria. The plot plan must meet the following review criteria:
 - 1. All of the information needed on a plot plan is shown.
 - 2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
 - **3.** No buildings or structures infringe on any easements.
 - **4.** The proposed site grading is consistent with FHA standards (if insured by FHA) otherwise it shall meet the <u>Town's/City's</u> approval.
 - 5. The density and dimensions shown conform with the <u>Town/City</u> Zoning Code Density and Dimensional Standards (Section 3.6) or the approved PUD requirements.
 - 6. The applicable Community Design Principles and Development Standards (Article 2) have been adequately addressed.

4.12 Site Plan

A. Site Plan Purpose. The site plan is needed in order to apply for a building permit for all multi-family, commercial, and industrial developments. The site plan shows how the lot will be developed so that the <u>Town/City</u> can make sure that the site design will be in compliance with all <u>Town/City</u> regulations.

B. Site Plan Process.

- 1. <u>Step 1: Submit Site Plan Application.</u>
 - **a.** Land Use Application Form.
 - **b.** *Site Plan Technical Criteria Form* (from *Workbook*).
 - **c.** *Application Fee and Fee Agreement.*
 - **d.** Site Plan Map The site plan map shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:
 - **i.** Title of project.
 - ii. North arrow, scale (no greater than 1"=50') and date of preparation.
 - iii. Vicinity map.
 - iv. Address of project.
 - v. Legal description of property.
 - vi. Name, address and phone number of property owner.
 - vii. Name, address and phone number of person or firm responsible for plan.
 - viii. Lot size (square footage).
 - ix. Bearings and distances of all lot lines.
 - **x.** Existing and proposed easements and rights-of-way.
 - **xi.** Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
 - **xii.** Gathering areas for people.
 - **xiii.** Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 - **xiv.** Existing and proposed two (2) -foot contours.
 - **xv.** Existing waterways on or adjacent to the site.
 - **xvi.** Finished floor elevations for all structures.

xvii. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.

xviii. Existing structures and their use.

xix. Square footage of proposed the proposed building(s) and the footprint of the proposed building(s).

xx. Proposed structure height.

xxi. For commercial and industrial uses, the type of activity and number of employees.

xxii. For multi-family residential, the number of: residential units and bedrooms per unit.

xxiii. Location of proposed signs and lights.

xxiv. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.

xxv. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).

xxvi. Trash disposal areas and enclosures including specifications for enclosures.

xxvii. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).

xxviii. Location and size of water and sewer lines to which the service connections will be or are made.

xxix. Location and size of water meter(s).

xxx. Location and size of backflow-prevention devices.

xxxi. Indication of how and where perimeter drain will drain (if one exists).

xxxii. Location of existing electrical lines and poles on or adjacent to the site.

xxxiii. Location of proposed electrical service connection and meter location.

xxxiv. Location of electric transformer.

xxxv. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.

xxxvi. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.

xxxvii. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.

xxxviii. A land use chart (table).

xxxix. Certificate blocks for signatures of owner, surveyor, utility providers, and <u>Town/City</u> approval, as applicable (see <u>Workbook Appendix</u> for samples).

- e. Community Design Principles and Development Standards Description Demonstrate in written or graphic form how the proposed structure is consistent with the Community Design Principles and Development Standards found in Article 2 of this Code.
- **f.** *Certified Drainage Report* A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the *Town/City* as part of the site plan application.
- **g.** Final Landscape Plan Refer to Section 2.16 of this Code for the final landscape plan requirements.
- **h.** Final Open Space and Ecological Characterization Plan Refer to Section 2.14 of this Code for the final open space and ecological characterization plan requirements.
- **i.** Exterior Elevations of Proposed Structures/Graphic Visual Aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
- 2. <u>Step 2: Application Certification of Completion.</u> Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Site Plan *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 3. <u>Step 3: Staff Refers Application To Adjacent Municipalities and Other Agencies.</u> Staff may refer the site plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be fifteen (15) days, but such period may be reduced or extended by Staff. Staff shall notify the applicant of any adjustment to the referral period.

- 4. <u>Step 4: Site Plan Letters of Support.</u> Within thirty (30) working days of receipt of the site plan, the applicant shall provide the <u>Town/City</u> with letters of support from all utility providers that will be serving the property (refer to the Letters of Support and Commitment to Serve table in the <u>Workbook</u>).
- 5. <u>Step 5: Staff Reviews Application and Prepares Comments.</u> Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.
- **6.** <u>Step 6: Applicant Addresses Staff Comments.</u> Applicant makes all necessary changes to the site plan and resubmits a revised copy to the <u>Town/City</u>.
- 7. <u>Step 7: Site Plan Agreement.</u> Staff may require that the applicant execute a site plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan. Guarantees in the site plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Staff.
- 8. Step 8: Planning Commission Review and Action. The site plan shall be presented to the Planning Commission for its review and action at the Commission's next available regularly scheduled meeting. The Planning Commission may approve, conditionally approve or deny the site plan based on the site plan review criteria. Any action taken by the Planning Commission shall become final unless appealed. If the site plan is denied, the request or one that is substantially the same may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Board of Trustees/City Council. Any aggrieved party, who wishes to appeal the action shall file a written appeal stating the reasons why the Planning Commission action is incorrect. The applicant shall file the appeal with the Town/City Clerk within seven (7) days of the meeting at which such action was taken.
- 9. Step 9: Board of Trustees/City Council Consideration of Appeals. The Board of Trustees/City Council shall consider any appeal within forty-five (45) days of the close of the appeal period, except an appeal associated with a concurrent development application requiring Board/Council review or approval, which the Board/Council shall consider with final action on the concurrent development application. The Board/City shall apply the site plan review criteria to either uphold, modify or reverse the Planning Commission's decision.

10. Step 10: Submit and Record Site Plan. Upon approval by the Planning Commission or by the *Board of Trustees/City Council*, the applicant shall have thirty (30) days to submit two (2) original mylar drawings of the approved site plan to the *Town/City* Clerk for recording, accompanied by the recording fees and all other costs billed by the *Town/City* relative to the site plan. Inaccurate, incomplete or poorly drawn plans shall be rejected. Within thirty (30) days of receipt of the site plan, the *Town/City* Clerk shall submit the approved site plan to the *County* Clerk and Recorder's Office for recording.

11. Step 11: Post Approval Actions.

- **a.** *Building Permit.* A building permit shall be issued only when a site plan has been approved. However, with the approval of the <u>Town/City</u> Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
- **b.** *Certificate of Occupancy.* When building construction and site development are completed in accordance with the approved site plan and building permit(s), a Certificate of Occupancy may be issued.
- **c.** *Phasing and Expiration of Approval.* The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

C. Site Plan Review Criteria. The site plan must meet the following review criteria:

- 1. All of the information required on a site plan is shown.
- 2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
- 3. No buildings or structures infringe on any easements.
- 4. The proposed site grading is consistent with the requirements of (insert reference to any applicable adopted storm drainage criteria or master drainage plans).

- 5. The density and dimensions shown conform with the <u>Town/City</u> Zoning Code Density and Dimensional Standards (Section 3.6) or the approved PUD requirements.
- 6. The applicable Community Design Principles and Development Standards have been adequately addressed and the proposed improvements conform with Article 2

D. Amendments to Approved Site Plans.

- 1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the *Town/City* Staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the *Town/City*.
- 2. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

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4.13 Amendments to Recorded Plats

A. Amendments to Recorded Plat Process.

- 1. Minor amendments which are filed with the <u>County</u> Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Colorado. All affidavits or corrected plats shall be reviewed and may be approved by the <u>Town/City</u> Staff. Notice of the minor amendment shall be given to the <u>Board of Trustees/City Council</u>.
- 2. Amendments to a recorded plat which do not increase the number of lots or relocate or add roads or do not create more than ten (10) total lots shall be submitted as a minor subdivision plat. The minor subdivision plat shall be prepared and submitted in compliance with the minor subdivision plat requirements of this Article (Section 4.10).

4.14 Resubdivision

The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for subdivision as set forth in this Article. In the event that any dedicated streets are relocated as a result of a resubdivision, it is necessary for the <u>Town/City</u> to first vacate those existing streets, with said vacation to be effective prior to the approval of the final plat. Vacation of right-of-way shall conform to the requirements of Section 4.16 of this Article. Certain sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the <u>Board of Trustees/City Council</u>.

4.15 Exceptions to the Design Principles and Development Standards

A. **Exception Purpose.** An applicant may apply for an exception to the minimum Community Design Principles and Development Standards specified in Article 2, except for those standards that are not open to modification (see Section 4.15.D below). The applicant shall submit an application for exception specifying the basis for the exception requested. The burden of demonstrating that an exception is justified falls solely on the applicant. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal.

- B. Exception Application Process. The applicant shall submit a letter to the <u>Town/City</u> Clerk requesting an exception and providing justification thereof. The <u>Town/City</u> shall review the exemption application concurrently with a preliminary or final plat or planned unit development (PUD) application. The Planning Commission shall review and make a recommendation of approval, approval with conditions or denial of an exception request at a regular meeting of the Commission and forward such recommendation to the <u>Board of Trustees/City Council</u> as part of its review of the preliminary or final plat and/or preliminary or final PUD. Final action on the exception request shall be made by the <u>Town Board of Trustees/City Council</u>.
- **C. Exception Review Criteria**. The Planning Commission and <u>Town Board/City Council</u> shall use the following criteria to evaluate the applicant's exemption application.
 - 1. Special circumstances or conditions exist that limit the ability of the property to meet the Community Design Principles and Development Standards set forth in Article 2 of this Code. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
 - 2. An alternative design exists that will meet the intent of the standards and requirements set forth in Article 2, Community Design Principles and Development Standards and Article 4, Subdivision Regulations, by providing for the orderly subdivision of land and providing public facilities. The exception shall:
 - a. Provide for the orderly subdivision of land. The <u>Town/City</u> may require the development to be processed as a planned unit development or as a Mixed Use or Commercial Zone District site plan, if the complexity and interrelated design of the development more appropriately meet the intent of the PUD or mixed use zoning district processes. The PUD/mixed use process shall provide flexibility to review the exception as part of a creative and imaginative development design tailored to each unique site and the surrounding area;
 - **b.** Provide public facilities that will benefit the public without detriment to surrounding property owners or the <u>Town's/City's</u> ability to provide services and maintain public facilities; and
 - c. Provide amenity to the development through design that could not be provided through the adopted standards.

- **3.** That if granted, the exception will not be detrimental to the public interest or other property nor be in conflict with the <u>Town/City</u> Comprehensive Plan or other applicable provisions of the <u>Town/City</u> Municipal Code unless corresponding exceptions or variances are approved.
- **4.** The exception will not endanger public safety.
- **D.** Standards Not Open to Modification. The following Community Design Principles and Development Standards specified in Article 2 are considered absolute minimum standards and are not open to modification through an exception process:
 - 1. Road standard (cross section) for local street with attached sidewalk (Option "A");
 - 2. Requirement of one (1) street tree of two (2) inch caliper for each forty (40) feet of frontage on both sides of the street (except for rural roads and alleys);
 - **3.** Dedication of the full width of right-of-way for all platted streets; and
 - **4.** Provision of handicap parking spaces.
- **E. Restrictions on Requesting Exceptions.** If an applicant requests an exception under this Section, the preliminary plat or preliminary PUD development plan shall whenever possible indicate the exceptions outlined in the application. Exception requests can be processed concurrently with planned unit development applications.

4.16 Vacation of Right-of-Way or Easement

- **A. Vacation of Right-of-Way/Easement Purpose.** The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, *et seq.*
- B. Vacation of Right-of-Way/Easement Application Process.
 - 1. <u>Step 1: Pre-Application Conference.</u> A pre-application conference with a representative from the <u>Town/City</u> is required before the applicant may submit a vacation of right-of-way/easement application. Topics to be discussed will include:

- **a.** *Town/City* regulations and standards.
- **b.** The application and review process.
- **c.** Submittal requirements.
- **d.** Schedule.
- 2. Step 2: Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit one (1) complete copy of the vacation of right-of-way/easement application package to the <u>Town/City</u> Clerk and shall request that the application be reviewed by the <u>Board of Trustees/City Council</u>. The application must be submitted a minimum of sixty (60) days prior to the <u>Board of Trustees/City Council</u> meeting at which the application will be reviewed. The vacation of right-of-way/easement application shall include:
 - **a.** Land Use Application Form.
 - **b.** *Vacation Technical Criteria Form* (from *Workbook*).
 - c. Application Fee and Fee Agreement A non-refundable fee is collected to cover the cost of review by the <u>Town/City</u> Attorney, <u>Town/City</u> Engineer, <u>Town/City</u> Planner and any other expert whom the <u>Town/City</u> may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The <u>Town/City</u> shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - **d.** Petition for Vacation of Right-of-Way/Easement A blank petition for vacation of right-of-way and a blank petition for vacation of easement are in the Workhook.
 - e. *Title Commitment* The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way/easement submittal.
 - f. Surrounding and Interested Property Ownership Report For vacation of right-of-way applications (NOT vacation of easement applications), provide the <u>Town/City</u> Clerk with a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record and oil and gas lessees for the property. The applicant shall certify that the report is complete and accurate.

- **g.** Vacation of Right-of-Way/Easement Map The vacation of right-of-way/easement map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and provide the following information:
 - **i.** Title of map.
 - **ii.** North arrow, scale (whatever is appropriate) and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description of right-of-way/easement to be vacated.
 - **v.** Graphic representation of property to be vacated.
 - vi. Acreage of property to be vacated.
 - vii. Names and boundaries of adjacent subdivisions and streets.
 - viii. Lot and block numbers of adjacent lots and blocks.
 - **ix.** Existing and proposed rights-of-way in and adjacent to subject property.
 - **x.** Existing and proposed easements in and adjacent to subject property.
 - **xi.** Existing and proposed utility lines and/or facilities in and adjacent to subject property.
 - **xii.** All waterways and ditches in and adjacent to subject property.
 - **xiii.** Type and location of existing structures and paved areas on the subject property.
- **h.** Vacation of Right-of-Way/Easement Review Criteria Statement Provide a written description of how the vacation request addresses the four vacation of right-of-way/easement review criteria.
- i. Public Notification Envelopes If the application is for the vacation of right-of-way, provide the <u>Town/City</u> Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the <u>Town's/City's</u> address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.
- 3. Step 3: Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Vacation of Right-of-Way or Easement *Technical Criteria* form) to the *Town/City* Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

- 4. Step 4: Letters of Support from Utility Providers and Other Affected Agencies. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide to the *Town/City* letters from all utility providers or other agencies, affected by the vacation, expressing their support of the vacation request (refer to the Letters of Support and Commitment to Serve table in the *Workbook Appendix*).
- 5. <u>Step 5: Staff Reviews Application and Prepares Comments.</u> Staff will complete a review of the vacation of right-of-way/easement based on the vacation of right-of-way/easement review criteria. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forwards it to the applicant.
- **6.** <u>Step 6: Applicant Addresses to Staff Comments.</u> The applicant shall address <u>Town/City</u> Staff's comments then submit the following to the <u>Town/City</u> Clerk:
 - **a.** Letter explaining how all of the comments have been addressed; and
 - **b.** Revised maps and other documents.
- 7. Step 7: Final Staff Review and Report to the *Board of Trustees/City Council*. Staff shall complete a final review of the resubmitted materials and prepare a report to the *Board of Trustees/City Council* explaining how the application is or is not consistent with the vacation of right-of-way/easement review criteria.
- 8. Step 8: Public Notification of Vacation of Right-of-Way Public Hearing. Fortyfive (45) days after the final Staff review and report, the *Board of Trustees/City* Council shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way. (Note: Notice of public hearing is not required for an easement vacation. The *Board of Trustees/City* <u>Council</u> shall review an easement vacation request at its next available meeting after completion of the staff review and report in Step 7 above.) The *Town/City* Clerk shall send notice of the public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, and to the appropriate referral agencies no less than thirty (30) days before the hearing. The <u>Town/City</u> Clerk shall also publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising. The <u>Town/City</u> Clerk will also prepare a public hearing notification sign to be posted on the property by the applicant no less than thirty (30) days before the hearing.

9. Step 9: Board of Trustees/City Council Action. Following a public hearing, the Board of Trustees/City Council may approve, conditionally approve or deny the vacation of right-of-way ordinance based on the vacation of right-of-way/easement review criteria. In the case of a vacation of easement, where no public hearing is required, the Board of Trustees/City Council may approve, conditionally approve or deny the vacation of easement ordinance based on the vacation of right-of-way/easement review criteria. All approved ordinances must be recorded with the County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of approval must be satisfied by the applicant and certified by the Town/City Clerk within a time specified by the Board of Trustees/City Council before the ordinance can be recorded.

C. Vacation of Right-of-Way/Easement Review Criteria.

- 1. The right-of-way or easement being vacated is not needed in the short or long term.
- 2. If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application which proposes a new right-of-way or easement.
- **3.** The applicant is relocating all public facilities or utilities within the right-of-way or easement.
- **4.** The public and surrounding properties will not be negatively impacted by the vacation.

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4.17 Subdivision Improvements and Development Agreements

- A. Agreements and Improvements. A Memorandum of Agreement for Public Improvements (MOAPI) stating the developer agrees to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of the *Board of Trustees/City Council*, to make reasonable provision for the completion of said improvements in accordance with design and time specifications will be required. No subdivision plat shall be signed by the *Town/City* or recorded at the office of the *County* Clerk, and no building permit shall be issued for development until an MOAPI between the *Town/City* and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the *Board of Trustees/City Council* to ensure that all improvements will be completed in a timely, quality and cost-effective manner. An MOAPI shall run with and be a burden upon the land described in the agreement.
- **B.** Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
- C. As improvements are completed, the subdivider shall apply to the <u>Board of Trustees/City Council</u> for inspection of improvements. Upon inspection and approval, the <u>Board of Trustees/City Council</u> shall notify the subdivider that there is a two (2) year guarantee period before release of funds. If the <u>Board of Trustees/City Council</u> or respective special district determines that any of the required improvements are not constructed in compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the <u>Board of Trustees/City Council</u> determines that the subdivider will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications, the <u>Board of Trustees/City Council</u> may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the specifications.
- **D.** The following improvements shall be constructed unless waived by the <u>Board of Trustees/City Council</u>.
 - **1.** Road grading and surfacing.
 - 2. Curbs.
 - **3.** Street lights.
 - **4.** Sidewalks.
 - **5.** Sanitary sewer collection system.

- **6.** Storm sewers or storm drainage system, as required.
- **7.** Potable water distribution including fire hydrants.
- **8.** Utility distribution system for public parks and open space.
- **9.** Street signs at all street intersections.
- **10.** Permanent reference monuments and monument boxes.
- 11. Underground telephone, electricity and gas lines.
- **12.** Berm or fence along major arterial and collector streets.
- **13.** Required landscaping.
- **14.** Street trees.
- **15.** Underdrains.
- **16.** Required floodway improvements.
- **17.** Required irrigation ditch improvements.
- E. Time for Completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the <u>Board of Trustees/City Council</u> may extend such time for completion upon request from the subdivider. Upon completion of such improvements within the required time and approval thereof by the <u>Board of Trustees/City Council</u>, the <u>Town/City</u> shall cause the cash or letter of credit to be released within thirty (30) days of the <u>Town's/City's</u> acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the <u>Town/City</u> may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.
- F. Warranty. All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the *Town's/City's* acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. The total amount of the guarantee shall be calculated as ten (10) percent of the total estimated cost including labor and materials of all public improvements to be constructed. The *Town/City* shall not release the improvement guarantee until the *Town/City* has granted final acceptance of the improvements. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that

provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the <u>Town/City</u> shall not relieve the subdivider of his or her warranty of workmanship and materials.